

REMARKS

After entry of this amendment, claims 32-39 will be pending for the Examiner's review and consideration. The Office Action dated September 27, 2004 has been carefully considered. Claims 1-31 have been canceled without prejudice. Claims 32-39 have been added. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendments and the following remarks is respectfully requested.

This amendment responds to the Office Action mailed September 27, 2004. In the office action the Examiner:

- objected to the drawings under 37 CFR 1.83(a). Specifically, the Examiner objected to the drawings for failing to show every feature of the invention specified in the claims;
- rejected claims 11-19 and 21-30 under 35 U.S.C. §102(b) as being anticipated by JP 04-356617; and
- rejected claims 1-10, 20 and 31 under 35 U.S.C. §103(a) as being unpatentable over JP 04-356617 in view of JP 02-290270.

In view of the Applicants' cancellation of claims 1-31, these rejections are moot. Withdrawal of these rejections is therefore respectfully requested.

Newly Added Independent Claim 32

Independent claim 32 recites a gas cigarette lighter comprising a fuel reservoir made of a rigid amorphous polymer material and containing a fuel partially in liquid phase, the reservoir having a top wall; a well passing through said top wall and having a bottom end; a threaded ring screwed into said well and having a first opening at a top end thereof and a second opening at a bottom end thereof; a gas dispensing device including at least one tubular element fitted into said threaded ring; and a microporous membrane controlling a gas flow at a substantially constant rate, wherein said tubular element has a bottom portion which extends at least to said bottom end of the well, the bottom portion receiving said microporous membrane, and wherein said tubular element passes through the first and second openings of the threaded ring.

As an initial matter, it is respectfully submitted that JP 04-356 617, as admitted by the Examiner, does not disclose, teach, or suggest a gas cigarette lighter comprising a fuel

reservoir made of a rigid amorphous polymer material. Rather, the Examiner uses JP 02-290270, which is directed to an aerosol container to disclose a container made from amorphous polymer material and states that it would have been obvious to a person having ordinary skill in the art to modify the fuel container of JP 04-356617 to be made from an amorphous polymer material, as disclosed in JP 02-290270. The Applicants respectfully disagree. As provided for in the specification, gas lighters having fuel reservoirs made of amorphous polymer material are generally brittle and thus require special consideration for sealing the gas dispensing device to the fuel reservoir. *For example*, the brittleness of fuel reservoirs made of amorphous polymer material make it nearly impossible to force-fit gas dispensing means into the well of the amorphous reservoirs. Thus, more complex fitting means are often required. *See* paragraph 0004. Furthermore, because of the rigidity of amorphous polymers, the damage to the microporous membrane which may take place during impact tests is increased. *See* paragraph 0009. Thus, it is respectfully submitted, that the limitation requiring a gas lighter having a fuel reservoir made of a rigid amorphous polymer material should not be so easily disregarded by the Examiner and it is respectfully submitted that it would not be obvious for one of ordinary skill in the art to combine the teachings of JP 04-356 617 with the teachings of JP 02-290270.

Moreover, it is respectfully submitted that neither JP 04-356 617 nor JP 02-290270, either alone or in combination, disclose, teach, or suggest a threaded ring screwed into a well and having a first opening at a top end thereof and a second opening at a bottom end thereof; and a gas dispensing device including at least one tubular element fitted into said threaded ring; wherein said tubular element passes through the first and second openings of the threaded ring. Rather, JP 04-356 617 discloses a pressure vessel 1 (*i.e.*, the fuel reservoir having the top wall), a valve mechanism support body 2 (*i.e.*, the threaded ring) and a valve seat member 7 (*i.e.*, the tubular element) wherein the valve seat member 7 is provided within the valve mechanism support body 2 such that it does not pass completely through the first and second openings formed in the valve mechanism support body 2. Thus, it is respectfully submitted, that the cited prior art does not disclose, teach, or suggest all of the limitations of independent claim 32. Therefore, allowance of independent claim 32 is respectfully submitted.

Claims 33-39 all ultimately depend from independent claim 32 and thus, it is respectfully submitted that these claims are equally allowable for at least this reason. Allowance of claims 33-39 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 32-39 are now in condition for allowance, and the Examiner is respectfully requested to

reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-326-7883, if a telephone call could help resolve any remaining issues.

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Respectfully submitted,

Giuseppe Molaro

52,039

By: Giuseppe Molaro

(Reg. No.)

35,340

For: Brian M. Rothery

(Reg. No.)

JONES DAY

222 East 41st Street

New York, New York 10017

(212) 326-3939